

FUNDING OPPORTUNITIES FOR LEGAL SERVICES PROGRAMS OFFER HOPE FOR BATTERED IMMIGRANTS: A CALL FOR STRIDES IN COMMUNITY COLLABORATIONS

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I. INTRODUCTION

Within the last decade, this country has made tremendous strides in the way of immigration legislation.¹ The current Violence Against Women Act (V.A.W.A.) legislation allows a battered spouse or child with conditional status to self-petition for permanent legal residency, as well as request a cancellation of removal or suspension of deportation without the assistance of their abusive citizen sponsor.²

However, barriers to legal and social service agencies have impeded battered immigrants' access to the legal remedies now available under the

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1. See Michelle J. Anderson, *A License to Abuse: The Impact of Conditional Status on Female Immigration*, 102 YALE L.J. 1401 (1993).

2. 8 U.S.C. § 1154 (a)(1)(A)(iii)(1) (2003).

applicable immigration laws.³ As a result, battered immigrants are generally at variance with facing the legal, social, and economic consequence attendant to ending their abusive relationship.⁴

Moreover, battered immigrants face numerous barriers when they attempt to access the civil legal system which often results in them avoiding the legal system altogether.⁵ Among these barriers is their lack of access to information concerning the civil and administrative remedies available to them that could potentially dispel their belief that reporting the abuse adversely affects their ability to obtain sufficient legal status in this country.⁶ There is also a widespread belief, amongst the immigrant population, that the domestic relation laws in the United States are comparable to similar laws in their home country.⁷ However, unlike the United States, many countries do not offer legal remedies to domestic violence victims.⁸

Battered immigrants also mistakenly believe that legal and social services are only available to citizens and very providently to documented immigrants.⁹ Although accessibility to free legal services for certain categories of battered immigrants is limited, these services nonetheless exist and are administered by the Legal Services Corporation (L.S.C.).¹⁰

L.S.C. is a private non-profit corporation that allocates federal funds to legal service programs to be used for representing indigent persons in certain civil matters.¹¹ Legal Services programs now exist in virtually every county in every state.¹² However, L.S.C. has imposed numerous restrictions upon legal services programs on the types of cases and classes of clients that these programs are allowed to represent.¹³ Also, over time, L.S.C. lost the support of Congress, which has often resulted in a reduction in funding and an increase in program restrictions, including the ability of federally funded programs to

3. See Anderson, *supra* note 1.

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. Linda Kelly, *Stories From the Front: Seeking Refuge for Battered Immigrants in the Violence Against Women Act*, 92 NW. U.L. REV. 665 (1998).

9. *Id.* at 681.

10. VIOLENCE AGAINST WOMEN OFFICE, U.S. DEP'T OF JUSTICE, TRAINING FOR V.A.W.O. GRANTEES: THE LEGAL RIGHTS OF IMMIGRANT VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT 276 (2000).

11. Robert L. Bach, *Building Community Among Diversity: Legal Services for Impoverished Immigrants*, 27 U. MICH. J.L. REFORM 639, 642 (1994).

12. *Id.*

13. Ingrid V. Eagly, *Community Education: Creating A New Vision of Legal Services Practice*, 4 CLINICAL L. REV. 433, 438 (1998).

provide representation to various classes of immigrants.¹⁴ However, for the most part, legal services programs provide the only source of free civil legal representation to indigent battered immigrants.¹⁵ Moreover, it is often the case that legal services attorneys are the only attorneys within the community who have the expertise and training necessary to address both the domestic violence and poverty law issues that generally accompany the abuse.¹⁶

Notwithstanding their need for free legal services, it has been found that legal services programs routinely deny services to battered immigrants.¹⁷ However, it has been suggested that their denial of services is largely due to the programs' misconception that funding restrictions prohibit its legal representation of most immigrants.¹⁸

Through, V.A.W.A., federal funds are allocated to assist programs in addressing the social, economic, and legal needs of battered immigrants.¹⁹ Therefore, it would be safe to presume that legal services programs have expanded its client base to include battered immigrants.²⁰

This paper will first discuss the prevailing theories concerning domestic violence and the resulting effects of the abuse, including the fears and challenges that are unique to battered immigrants. A comprehensive discussion of both the prohibited and permissible L.S.C. activities will follow. Next, the effect of L.S.C. restrictions on federally funded programs' delivery of legal services, as well as an analysis of the traditional lawyering practices of most legal services programs will be addressed. This paper will also examine the impact that alternative sources of funding have on battered immigrants' access to legal services programs. Finally, this paper will discuss the need for a cooperative effort by legal services programs, immigration advocacy groups, and victim services programs as a means to ensure that the battered immigrant's efforts to flee from the abusive relationship are successful.

14. *Id.*

15. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10.

16. *Id.* at 277.

17. Virginia Coto, *Lucha, The Struggle for Life: Legal Services for Battered Immigrant Women*, 53 U. MIAMI L. REV. 749, 752 (1999).

18. *Id.*

19. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10.

20. *Id.*

II. PREVAILING THEORIES ABOUT DOMESTIC VIOLENCE AND THE FEARS AND CHALLENGES OF BATTERED IMMIGRANTS

National statistics report that more than six million women are abused each year.²¹ Statistics further reveal that battered immigrant women are unlikely to report domestic violence occurring in the home or leave their abusive relationship.²² Moreover, it has been suggested that battered immigrant women face triple jeopardy because of the domestic violence they experience, cultural implications, and problems that may arise from the immigration processes.²³

Those who do not understand the psychological, social, and legal effect that domestic violence has upon its victims, often question why the victim remains in the abusive relationship.²⁴ Therefore, in order to appreciate the problems faced by victims of domestic violence and to fully address their legal needs, it is imperative that the legal practitioner fully understands the dynamics of domestic violence.²⁵

Domestic violence is quite often ill defined and generally does not encompass the psychological, social, and familial constructs which forms the environment in which the abuse occurs.²⁶ Typically, domestic violence is thought of as consisting of the physical act of abuse.²⁷ However, there is actually no one physical act or distinctive trait or attribute that exemplifies a victim of abuse and which could accurately define the scope of domestic violence.²⁸ Consequently, domestic violence is best defined as a multitude of factors and behaviors by which an abuser exercises dominion and control over the victim.²⁹

Moreover, through intimidation, manipulation, and aggression, the abuser forces the victim to live in continuous threat of danger and anticipation of violence.³⁰ Batterers further succeed in controlling their victims by limiting their contact and associations with family and friends who might otherwise provide them with a source of support.³¹ This effectively results in the victim's

21. Coto, *supra* note 17, at 750.

22. Kelly, *supra* note 8.

23. Coto, *supra* note 17, at 750.

24. See Roberta L. Valente, *Addressing Domestic Violence: The Role of the Family Law Practitioner*, 29 FAM. L.Q. 187, 188 (1995).

25. *Id.* at 187.

26. *Id.* at 188.

27. *Id.*

28. *Id.*

29. Valente, *supra* note 24.

30. *Id.*

31. *Id.* at 189.

physical and emotional isolation.³² Consequently, abused women do not have the network of familial and social support needed to effectively deal with the debilitating effects of domestic violence.³³

Batterers also exert financial control over their victims by not permitting them to work which serves to ensure that the victim is also economically insecure.³⁴ Therefore, battered immigrants' financial dependence on their abuser makes it extremely difficult for many of them to end their abusive relationship.³⁵ Generally speaking, battered immigrant women are also unemployed and have very little, if any, individual financial resources.³⁶ They also usually lack the requisite education or skills needed to secure an income sufficient enough to enable them to live independent of their abuser.³⁷ For those battered immigrants who are undocumented or whose legal status is pending, immigration laws limit their ability to obtain suitable employment which forces many battered immigrants to resort to jobs that pay minimal wages with no benefits.³⁸

Language barriers also significantly limit battered immigrants access to employment opportunities.³⁹ Given these harsh economic realities, many battered immigrants are forced to choose between a life of poverty or to succumb to the evils of domestic violence.⁴⁰

Language barriers also prevent battered immigrants from effectively articulating the conditions in which they live to victim services programs and legal advocates, as well as impede their understanding of the legal remedies available to them both in the civil arena and through the administrative processes of the immigration system.⁴¹ Moreover, because of their language and communication barriers, battered immigrants are usually unaware that domestic violence acts have been criminalized or that legal and social services are available.⁴²

Language and communication barriers also cause battered victims to refuse to seek the assistance of law enforcement officers, attorneys, shelters, or other

32. *Id.*

33. Tien-Li Loke, Note, *Trapped In Domestic Violence: The Impact of United States Immigration Laws on Battered Immigrant Women*, 6 B.U. PUB. INT. L.J. 589, 592 (1997).

34. *Id.*

35. Nimish R. Ganatra, Comment, *The Cultural Dynamic in Domestic Violence: Understanding the Additional Burdens Battered Immigrant Women of Color Face in the United States*, 2 J.L. SOC'Y 109, 128 (2001).

36. *Id.*

37. *Id.* at 129.

38. *Id.* at 128.

39. *Id.* at 129.

40. Ganatra, *supra* note 35, at 129.

41. Coto, *supra* note 17, at 752.

42. Ganatra, *supra* note 35, at 113.

domestic violence and immigration advocates.⁴³ Furthermore, in view of the fact that domestic violence services are generally targeted to English speaking victims, the inability of immigrant victims to communicate effectively in English has the potential of significantly hindering their ability to escape from their abusers.⁴⁴

In an effort to assist battered immigrants to flee from their abuser, lawyers and domestic violence counselors fervently promote civil injunctions for protections.⁴⁵ However, many battered immigrants fear that their physical safety would be significantly compromised if they confront their abuser in the legal system.⁴⁶ Consequently, when faced with a system that is usually uninviting, battered immigrants will concede to the deeply rooted bureaucratic machinery of the immigration processes and remain undocumented or simply surrender to the abuse.⁴⁷ One study reported that battered immigrants are extremely fearful of the immigration and naturalization agencies.⁴⁸ As a result, battered immigrants are hesitant to seek the assistance of law enforcement out of fear that they or their abuser will be deported.⁴⁹ In fact, instead of involving the police or the immigration authorities in their matters, many battered immigrants opt to remain in their abusive relationship.⁵⁰

Divorce also offers a solution to battered immigrants.⁵¹ However, in some immigrant communities, it comes at the high cost of extreme stigmatization.⁵² Some of these communities pressure battered women to remain in the marriage and rebuff those who choose to dissolve their marriage.⁵³ In fact, in some immigrant communities, divorce is so heavily stigmatized that women who end their marriage because of domestic violence are forbidden to remarry within that community.⁵⁴ She additionally faces the possibility of rejection by her family

43. *Id.*

44. *Id.*

45. Anderson, *supra* note 1, at 1421.

46. *Id.*

47. *Id.*

48. *Id.*

49. *Id.* at 1422.

50. Anderson, *supra* note 1, at 1422.

51. Sudha Shetty & Janice Kaguyutan, *Immigrant Victims of Domestic Violence: Cultural Challenges and Available Legal Protections* (Feb. 2002), <http://www.vaw.umn.edu/documents/vawnet/arimmigrant> (last visited Sept. 12, 2003).

52. *Id.*

53. *Id.*

54. *Id.*

of origin because the divorce brings extreme disgrace and dishonor to the entire family.⁵⁵

Although the foregoing fears and challenges effectively immobilize battered immigrants from taking positive action to free themselves from their abusers' control, their most paralyzing fear is the threat of deportation.⁵⁶ This is primarily due to false information given to battered immigrants by their abuser which is used as a means to exert continuous control over the victim.⁵⁷ Consequently, rather than face deportation, many battered immigrants choose to remain in their abusive relationship.⁵⁸

Therefore, when addressing family law issues for battered immigrants, the legal practitioner must consider the foregoing challenges confronted by battered immigrants and advocate accordingly.

III. L.S.C. PROHIBITIONS AND PERMISSIBLE ACTIVITIES AS APPLIED TO IMMIGRANTS

As stated earlier, most legal services programs receive federal funding under the auspices of L.S.C.⁵⁹ However, since the Regan administration, federally funded programs have operated under the constant threat of defunding.⁶⁰ Moreover, L.S.C. imposed strict funding guidelines on the types of cases and classification of persons qualified for program representation, including immigrants.⁶¹

Therefore, in order to receive services from federally funded legal services programs, pursuant to Title 45, Code of Federal Regulations, Section 1626.5, it is required that immigrants meet one of the following categories: (a) An alien lawfully admitted for permanent residence; (b) An alien who is either married to a United States citizen or is a parent or an unmarried child who has filed an application for adjustment of status to permanent resident on behalf of the alien; (c) An alien who has been permitted refugee admission or who has been granted asylum; and, (d) An alien who has been granted conditional entry because of persecution or fear of persecution from the alien's country of origin.⁶²

However, the Legal Services Corporation Appropriations Act of 1997, commonly referred to as the Kennedy Amendment, made a significant change

55. *Id.*

56. Coto, *supra* note 17, at 751.

57. *Id.*

58. *Id.*

59. Bach, *supra* note 11, at 641-42.

60. Eagly, *supra* note 13, at 439.

61. *Id.* at 439-40.

62. Regulations Relating to Public Welfare, Legal Services Corporation, 45 C.F.R. § 1626.5 (2003).

to its general prohibition against representation of unqualified immigrants.⁶³ Prior to the Amendment, legal services programs were also prohibited from using its non-federal funds to provide legal representation to L.S.C. ineligible immigrants.⁶⁴ This restriction effectively barred legal services programs from using its non-L.S.C. funds to the same extent as its L.S.C. funds.⁶⁵ Consequently, many battered immigrants could not access legal assistance and were therefore left with little or no assistance in obtaining civil and administrative legal redress for the effects resulting from the abuse.⁶⁶

However, Congress subsequently amended the L.S.C. restriction by providing an exception for indigent battered immigrants who did not otherwise meet the L.S.C. alien eligibility guidelines.⁶⁷ The exception authorized legal services programs to assist unqualified battered immigrants with issues that were "directly related to the prevention of the abuse or obtaining relief from the battery or cruelty."⁶⁸ Therefore, legal services programs were permitted to assist undocumented immigrant spouses and children who had been abused or subjected to extreme cruelty by a spouse or a parent, as long as it could be demonstrated that the legal assistance was tied to the domestic violence.⁶⁹

The Kennedy Amendment defined the term "legal assistance directly related to the prevention of, or obtaining relief from the battery or cruelty" rather broadly, and thus permitted L.S.C. funded programs to assist undocumented battered immigrants with a wide range of legal issues.⁷⁰ The intent of the legislation was to help battered immigrants to escape from their abusive situation, ameliorate the effects of the abuse, and to warn against future abuse.⁷¹

However, the definition precludes L.S.C. funded programs from using non-L.S.C. funds to serve ineligible immigrants with any and all legal assistance that would ordinarily fall within the programs' established priorities.⁷² Therefore, this restriction effectively limits legal services programs' representation of undocumented battered immigrants to only those matters that have some nexus with the domestic violence.⁷³ Consequently, many legal services programs are banned from assisting ineligible battered immigrants with services that

63. 45 C.F.R. § 1626.1 (2003).

64. 45 C.F.R. § 1626.3 (2003).

65. *Id.*

66. *See* Eagly, *supra* note 13.

67. 45 C.F.R. § 1626.5 (2003).

68. 45 C.F.R. §§ 1612.2(f)(g), 1626.4 (2003).

69. 45 C.F.R. § 1626.4 (2003).

70. 45 C.F.R. § 1626.2(g) (2003).

71. *Id.*

72. *Id.*

73. *Id.*

otherwise are provided to non-immigrant applicants.⁷⁴ However, legal services programs are able to offer brief consultation to ineligible immigrants, as well as referrals to social services agencies and the private bar associations.⁷⁵

Although L.S.C. does not offer an exhaustive list of allowable issues that a program's non-L.S.C. funds can be used to address, it does permit representation for a broad range of family law, housing, consumer, and public benefits issues.⁷⁶ Therefore, in an effort to assist undocumented battered immigrants to physically escape the abusive relationship, non-L.S.C. funds can be used for representation of civil injunction for protections, dissolution of marriage, custody, dependency actions, and spousal and child support cases.⁷⁷

Non-L.S.C. funds can also be used to assist battered immigrants with securing and maintaining public housing and various public benefits, in order that the abused immigrant spouse and children are no longer forced to rely exclusively on the financial resources of their abuser.⁷⁸ However, absent evidence that supports a claim that the immigrant's circumstances were the direct result of the abuse, legal services programs are prohibited from providing legal representation to the immigrant.⁷⁹

Even though the Kennedy Amendment authorizes recipients of L.S.C. funded programs to use other funding to assist illegal immigrants, many programs do not allocate non-L.S.C. funds for this purpose.⁸⁰ The reality for many legal services programs was that funding limitations simply did not permit the reallocation or diversion of funding to permit access to representation to L.S.C. ineligible immigrants.⁸¹

Also, because most legal services programs are not experienced in handling immigration issues, primarily due to the prior L.S.C. restrictions, many programs simply did not address battered immigrant issues.⁸² Therefore, since a great number of these programs rely substantially on L.S.C. funding, non-L.S.C. funds do not provide a practicable source of funding to address legal issues for battered immigrants who are L.S.C. ineligible.⁸³

74. *Id.*

75. 45 C.F.R. § 1626.2(g) (2003).

76. *Id.*

77. 45 C.F.R. § 1626.4 (2003).

78. *Id.*

79. *Id.*

80. Bach, *supra* note 11, at 643.

81. *Id.*

82. *See* Coto, *supra* note 17.

83. *See* Bach, *supra* note 11, at 643.

IV. THE EFFECT OF L.S.C. RESTRICTIONS ON THE DELIVERY OF LEGAL SERVICES

As stated earlier, some categories of battered immigrants qualify for representation by federally funded programs.⁸⁴ Therefore, access to free legal service varies according to the battered immigrant's legal status.⁸⁵ Undocumented battered immigrants experience the most difficulty in accessing free legal assistance.⁸⁶ Consequently, they are forced to rely on the most ineffective form of help; primarily, non-legal community based immigration agencies.⁸⁷ In contrast, battered immigrants who meet the L.S.C. requirements are able to obtain legal assistance from federally funded legal services programs.⁸⁸

However, funding restrictions have induced legal services programs to maintain the status quo and represent only those issues that have been traditionally accepted by L.S.C.

It is typically the practice of legal services programs to provide high volume legal representation for poverty law issues to poor people residing within the program's service area.⁸⁹ However, due to the growth in poverty combined with an insufficiency of resources, legal services programs have become overwhelmed by demands for services and have, thus, found it necessary to limit the types of cases it will handle.⁹⁰ As a result, legal services programs have established priorities for the types of cases that qualify for representation by taking into account several factors, which include the degree of need, severity of poverty, and the likelihood of success.⁹¹

Traditionally, the focus of legal services programs has been on impact litigation.⁹² Although impact litigation had the potential to reform laws and effect policy changes that benefited indigent people, it also diminished the ability of the lawyer and client to establish a personal connection with each other, which is fundamental to the legal relationship.⁹³ Instead, the client was reduced to a legal issue.⁹⁴ However, due to the increase in domestic violence,

84. 45 C.F.R. § 1626.2(g) (2003).

85. Bach, *supra* note 11, at 653.

86. *Id.* at 654.

87. *Id.*

88. *Id.*

89. Coto, *supra* note 17.

90. Eagly, *supra* note 13, at 440.

91. *Id.*

92. *Id.*

93. See Peter Margulies, *Political Lawyering, One Person at a Time: The Challenge of Legal Work Against Domestic Violence for the Impact Litigation/Client Service Debate*, 3 MICH. J. GENDER & L. 493, 502 (1996).

94. *Id.* at 510.

it became necessary for legal services programs to shift the focus of poverty law from impact work to intensive client service work.⁹⁵

The client service model focuses on the one attorney to one client paradigm that is designed to impact the individual client.⁹⁶ However, because legal services programs usually have extremely heavy caseloads and limited financial resources, little time is spent in fully assessing its clients' concerns.⁹⁷ For that reason, representation is generally limited to the client's most pressing legal issues.⁹⁸ Consequently, the legal, economic, and social consequences that could potentially result from the underlying legal problem are generally not taken into account.⁹⁹ Therefore, it is arguable that this approach to service delivery is only effective in providing a temporary solution to the client's problems.¹⁰⁰

Moreover, even though the client service approach may successfully remedy the battered immigrant's immediate concern, it often fails miserably in resolving their non-legal issues, such as the immigrant's overall economic situation.¹⁰¹ For the most part, the services provided to battered immigrants are strictly limited to legal representation of the family law issues that accompany the domestic violence and typically do not involve investigation into other legal or non-legal matters.¹⁰²

However, some programs have strayed away from its traditional role and offer a holistic approach to legal representation, in an effort to address the economic, cultural, educational, and social implications generally faced by poor people.¹⁰³ Unfortunately, this approach is not the norm of most legal services programs.¹⁰⁴

Moreover, the current strategies employed by legal services programs often fail to consider that if provided sufficient information and the appropriate referrals, battered immigrants could become empowered to address their non-legal issues.¹⁰⁵ Furthermore, without the appropriate direction, many battered

95. *Id.* at 511.

96. Stacy Brustin, *Expanding Our Vision of Legal Services Representation, The Hermanas Unidas Project*, 1 AM. U.J. GENDER & L. 39, 44 (1993).

97. Coto, *supra* note 17.

98. *Id.*

99. *Id.* at 753.

100. *Id.*

101. Brustin, *supra* note 96, at 42.

102. *Id.* at 43.

103. Coto, *supra* note 17, at 752.

104. *Id.*

105. *Id.*

immigrants will simply fall through the cracks and abandon or refuse all efforts to resolve the issues surrounding the domestic violence.¹⁰⁶

Also, in spite of the fact that battered immigrants have been successful in accessing legal assistance from legal services programs, statistics reveal that private attorneys provide the largest source of legal representation to the indigent immigrant population.¹⁰⁷ It has also been reported that grass-root community based immigration agencies provide a slightly higher percentage of legal assistance to indigent immigrants than do legal services programs.¹⁰⁸ Although these organizations offer invaluable assistance to immigrants, the unfortunate reality is that most of these programs lack the legal training, knowledge, and skills necessary to sufficiently address the legal concerns of the immigrants they serve.¹⁰⁹

V. THE IMPACT OF ALTERNATIVE FUNDING OPPORTUNITIES ON BATTERED IMMIGRANTS' ACCESS TO LEGAL SERVICES

Although L.S.C. authorized legal services programs to use its non-L.S.C. funds to assist battered immigrants, most programs choose not to utilize these funds for that purpose.¹¹⁰ Therefore, in order to avoid the restrictions of L.S.C., legal service providers seek private funding from its local community, the private bar, and non-profit foundations.¹¹¹ However, due to a host of reasons, funding from these sources is inconsistent.¹¹² Consequently, the availability of legal services to battered indigent immigrants has also been unstable.¹¹³

However, as a direct result of the V.A.W.A. legislation, alternative funding streams were created which effectively increased the availability of services to battered immigrants.¹¹⁴ Among other purposes, the intent of the V.A.W.A. legislation was to ensure that battered immigrants were provided equal access to domestic violence services.¹¹⁵

The Violence Against Women Office of the Department of Justice (V.A.W.O.) administers several grant programs that are designed to address the

106. *Id.*

107. Bach, *supra* note 11, at 652.

108. *Id.*

109. *Id.*

110. *Id.* at 643.

111. *Id.*

112. Bach, *supra* note 11, at 643.

113. *Id.*

114. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10.

115. *Id.*

legal needs of victims of abuse, which include funding for civil legal projects.¹¹⁶ V.A.W.O. also offers funds to programs that address the legal needs of battered immigrants.¹¹⁷ Because V.A.W.O. grants do not impose alienage restrictions on its grant recipients, L.S.C. funded programs that have been awarded V.A.W.O. grants, have broadened its accessibility of legal assistance to otherwise ineligible battered immigrants.¹¹⁸ However, these programs can only use V.A.W.O. funding for undocumented battered immigrants, in situations where it can be shown that the issue being represented is somehow tied to the abuse.¹¹⁹ Also, marriage or parentage must relate the undocumented battered immigrant's abuser.¹²⁰

Moreover, it is generally the policy of V.A.W.O. to provide funding to legal services programs that have a demonstrated history of providing direct legal representation and advocacy to domestic violence victims.¹²¹ Therefore, funding is available to legal service programs to implement and establish independent, as well as collaborative efforts with domestic violence and sexual assault victim services organizations.¹²²

One of the most significant sources of V.A.W.O. funds for domestic violence victims, including battered immigrants, is the Legal Assistance for Victims (L.A.V.) grant.¹²³ The L.A.V. grant is intended to increase the availability of legal assistance in order to provide effective aid to victims who are seeking relief in legal matters arising as a consequence of the abuse or violence.¹²⁴ These funds enable legal services programs to represent battered immigrants in civil injunction for protection and family law cases, juvenile proceedings, evictions, and public benefits cases as it could be argued that the legal issues that arise within each of these areas are associated with domestic violence.¹²⁵

V.A.W.O. also offers special interest funding to legal service agencies to establish projects that respond to the unmet legal needs of individuals who are

116. *Id.*

117. *Id.*

118. *Id.*

119. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10, at 278.

120. *Id.*

121. VIOLENCE AGAINST WOMEN OFFICE, U.S. DEP'T OF JUSTICE, *Legal Assistance for Victims Grant Program*, http://www.ojp.usdoj.gov/vawo/lav_grant_desc.htm (last visited Sept. 12, 2003).

122. *Id.*

123. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10.

124. VIOLENCE AGAINST WOMEN OFFICE, U.S. DEP'T OF JUSTICE, *Grant Descriptions & Application Kits*, <http://www.ojp.usdoj.gov/vawo/applicationkits.htm> (last visited Sept. 12, 2003).

125. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10, at 280.

members of a diverse and traditionally under served populations.¹²⁶ Battered immigrants are included in the list of the under served.¹²⁷

Another funding source offered by V.A.W.O. is the Services, Training, Officers, and Prosecutors (S.T.O.P.) grant, which is allocated to the states for disbursement to projects that address issues on behalf of domestic violence victims.¹²⁸ Numerous legal service providers, within the various states, have been awarded S.T.O.P. funding and are able to use these funds to assist battered immigrants with any legal action that could help the victim to end the abuse.¹²⁹

In view of the fact that V.A.W.O. grants offer legal service programs an alternative to L.S.C. funding, many programs are now able to provide needed representation to battered immigrants.¹³⁰ Moreover, given the fact that V.A.W.O. grants do not impose funding restrictions on immigration status, legal service programs have been less apprehensive in opening their doors to both documented and undocumented immigrants.¹³¹ Consequently, through the use of alternative funding, L.S.C. programs are able to offer a wide array of legal services to battered immigrants.¹³²

VI. THE NEED FOR COMMUNITY COLLABORATIONS

It has been recognized that legal services programs are unable to address every issue faced by battered immigrants.¹³³ However, combining its efforts with other community resources, such as victim service programs, grass-root immigration initiatives, and legal immigration advocacy organizations, would increase the effectiveness of legal services programs.¹³⁴ Considering that many of these programs offer overlapping services, the benefits to battered immigrants of such collaboration would be immeasurable and could result in a creative project that utilizes the expertise of each program to address the unmet needs of battered immigrant.¹³⁵ Furthermore, legal services programs likely view colla-

126. *Id.* at 276.

127. *Id.* at 268.

128. *Id.* at 269.

129. See VIOLENCE AGAINST WOMEN OFFICE, U.S. DEP'T OF JUSTICE, *FY 2002 Awards List*, <http://www.ojp.usdoj.gov/vawo/fy02awardslist.htm> (last visited Sept. 12, 2003).

130. VIOLENCE AGAINST WOMEN OFFICE, *supra* note 10, at 272.

131. *Id.*

132. *Id.* at 276.

133. Brustin, *supra* note 96, at 39. See also Valente, *supra* note 24, at 194 (concluding that although legal aid attorneys offer a vital service to domestic violence victims, they cannot single handedly address the burgeoning occurrence of domestic violence).

134. See Eagly, *supra* note 13, at 440.

135. *Id.*

borations with victim services programs and immigration advocacy groups as interdependent.¹³⁶

A study conducted by the American Bar Association reported that the resources of the community are paramount in diminishing the effects of abuse.¹³⁷ Therefore, the criminal court system, family court judges, immigration advocacy groups, law enforcement personnel, shelter workers, victim services professionals, psychiatrists, psychologists, and social workers are equally instrumental in fighting the debilitating effects of domestic violence.¹³⁸ In light of this, legal services attorneys who represent battered immigrant issues must work toward providing victims with solutions that not only ensure their physical safety, but which also offer remedies that focus on the emotional, mental, and economic hurdles presented to battered immigrants.¹³⁹

VII. CONCLUSION

In view of the fact that V.A.W.A. funding sources are now available for legal services programs, it is incumbent upon federally funded providers to reorganize its resources and priorities to additionally meet the needs of battered immigrants.¹⁴⁰

Although numerous legislators oppose providing federally funded legal services to undocumented immigrants, extending legal services to them would ensure that all battered immigrants are offered the same legal safeguards and protection as are their United States born counterparts.¹⁴¹ It would additionally heighten the likelihood that all categories of battered immigrants could escape from their abuser because funding restrictions would not confine legal services programs.¹⁴²

However, the only real chance that battered immigrants have to successfully overcome the effects of the abuse is by receiving a combination of both legal and social services.¹⁴³ As it now stands, most community legal service programs and social service agencies require that the battered immigrant apply directly to each individual agency for individual services. Consequently, it generally rests upon battered immigrants to determine specifically which social

136. Margulies, *supra* note 93, at 512.

137. Valente, *supra* note 24, at 193.

138. *Id.* at 193-94.

139. *Id.* at 194.

140. *See* Bach, *supra* note 11, at 659.

141. *Id.* at 657-58.

142. *Id.* at 658.

143. *Id.*

services resource will appropriately address their economic, educational, mental health, social, and legal needs.

A part of the problem results from funding competition. Typically, the agencies that provide services to battered immigrants are all competing for the same funds. Unfortunately, this often results in a lack of commitment by the various community programs to join together to form a shared enterprise.¹⁴⁴ However, the effects of the domestic violence on the battered immigrant can only be diminished when legal services programs, immigrant advocacy groups, and victim services agencies combine, and use the unique strengths of each program, to combat the challenges faced by battered immigrants.¹⁴⁵

144. *Id.*

145. Valente, *supra* note 24, at 194.